

STAND. COM. REP. NO.

1306

Honolulu, Hawaii

MAR 21 2019

RE: H.B. No. 702
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred H.B. No. 702, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SATELLITE NAVIGATION
TECHNOLOGY,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit the sale or offering for sale of location data that is recorded or collected by a satellite navigation technology-equipped device without explicit consent of the individual who is the primary user of the device.

Your Committee received testimony in support of this measure from the American Civil Liberties Union of Hawai'i.

Your Committee finds that Hawaii has a strong history of protecting an individual's right to privacy. Tracking and recording location data reveals many things about a person's life and constitutes a significant invasion of privacy. A recent *New York Times* article reported that, for a single specific user, an application on a device gathered and recorded location information over 8,600 times over a four-month period, or on average, once every twenty-one minutes. User agreements are often part of a cell phone contract but are rarely read by consumers and are insufficient to secure the level of explicit consumer permission



required to share or sell personal location data. This measure therefore prohibits the sale of location data without the explicit consent of the individual who is the primary user of the device in order to promote consumer protection.

Your Committee notes the number of questions that were raised before your Committee during the public hearing on this measure concerning general enforceability and the applicability of this measure to those companies that do not have a physical presence in Hawaii. Your Committee finds that these issues merit further consideration and examination by your Committee on Judiciary, should it choose to hear this measure.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2019; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 702, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 702, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,



ROSALYN H. BAKER, Chair



